

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DUSTIN M. JAMES,

Plaintiff,

v.

DEBRA HALE, *et al.*,

Defendants.

Case No. 3:15-cv-01335-JPG-DGW

MEMORANDUM AND ORDER

J. PHIL GILBERT, DISTRICT JUDGE

This matter comes before the Court on two related papers. The first is a stipulation of dismissal by the plaintiff Dustin James and defendant Thomas Trice pursuant to Federal Rule of Civil Procedure 41(a)(2). (ECF No. 113.) The other is James's and Trice's joint motion for a good faith finding of settlement. (ECF No. 114.) Both James and Trice have indicated that they have settled and ask the Court to (1) dismiss the claims against Trice accordingly, and (2) enter an order finding that the settlement was in good faith pursuant to the Illinois Joint Tortfeasor Contribution Act.

The Court will **GRANT IN PART** and **DENY IN PART** James's and Trice's motion. (ECF No. 114.) Federal Rule of Civil Procedure 41(a)(2) gives the Court discretion to dismiss an action at the plaintiff's request on terms that the Court considers proper. So for good cause shown, the Court **DISMISSES WITH PREJUDICE** all claims in this case against defendant Trice and **DIRECTS** the Clerk of Court to terminate Trice as a defendant. But the Court will not enter a good faith finding of settlement pursuant to the Illinois Joint Tortfeasor Contribution Act: that is a state statute that deals with Illinois state law. This is a federal case under 42 U.S.C. § 1983 that deals with federal law. The Act has no bearing on this case.

IT IS SO ORDERED.

DATED: SEPTEMBER 14, 2018

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE